

**SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
REGULAR MEETING**

January 20, 2011 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Chair De La Cruz, Director Boch, Director Botelho, Director Gomez and Director Emerson

STAFF PRESENT:

Deputy County Counsel, Shirley Murphy; Executive Director, Lisa Rheinheimer; Transportation Planning Manager, Mary Gilbert; Transportation Planner, Betty LiOwen; Secretary, Monica Gomez

OTHERS PRESENT:

Brandy Rider, Mark McCumsey, Caltrans District 5; Tony Mercado, MV Transportation

CALL TO ORDER:

Chair Gomez called the meeting to order at 2:00 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING

Upon a motion duly made by Director Botelho, and seconded by Director De La Cruz, the Director's unanimously approved the Certificate of Posting.

Chair Gomez thanked fellow Director's and staff for the opportunity to serve as COG Chair and stated that it was a pleasure to do so.

C. ELECT COG Chairperson for 2011

Upon a motion duly made by Chair Gomez, and seconded by Director Emerson, the Director's elected Jaime De La Cruz as COG's Chairperson for 2011.

D. ELECT COG Vice Chairperson for 2011

Upon a motion duly made by Director Gomez, and seconded by Director Botelho, the Director's elected Doug Emerson as COG's Vice Chairperson for 2011.

E. COMMITTEE APPOINTMENTS

1. Associate Member to the Association of Monterey Bay Area Governments (AMBAG) and an Alternate

Chair De La Cruz appointed Anthony Botelho as Associate Member to AMBAG for 2011.

Chair De La Cruz appointed Doug Emerson as the Alternate Member to AMBAG for 2011.

2. Delegate and Alternate to the California Association of Councils of Governments (CALCOG)

Chair De La Cruz appointed Doug Emerson as Associate Member to CALCOG for 2011.

Chair De La Cruz appointed Tony Boch as the Alternate Member to CALCOG for 2011.

3. One Member to the SR 152 Mobility Partnership

Chair De La Cruz appointed Anthony Botelho to the Ad-Hoc South Santa Clara County/San Benito County Mobility Partnership for 2011.

4. Representative to Speak on Behalf of COG at California Transportation Commission Meetings

Chair De La Cruz appointed Victor Gomez to speak on behalf of COG at California Transportation Commission Meetings.

Upon a motion duly made by Director Gomez, and seconded by Director Emerson, the Director's unanimously approved the Committee Appointments.

F. PUBLIC COMMENT: None

Chair De La Cruz stated for the record that the COG Board received Joe Thompson's public comment correspondence dated December 21, 2011 through January 20, 2011. The correspondence was entered into the public record.

G. EXECUTIVE DIRECTOR'S REPORT:

Executive Director Lisa Rheinheimer thanked former Chair Gomez for all of his support over the last year and for doing a great job.

Ms. Rheinheimer congratulated Chairman De La Cruz on his appointment and Vice-chairman Emerson on his appointment and welcomed new COG Board member, Tony Boch.

Ms. Rheinheimer mentioned that she attended the American Public Works Association Monterey Bay Chapter meeting on January 19th and noted that COG received an Award of Merit for the Highway 25 Safety and Operational Enhancements Project.

Ms. Rheinheimer noted that she is now the President for the American Public Works Association Monterey Bay Chapter.

Ms. Rheinheimer stated that she has been looking over the State Budget and so far, transportation has largely been left in tact, mostly, due to Proposition 22. Ms. Rheinheimer stated that she will bring any new developments to the Boards attention.

H. BOARD OF DIRECTOR'S REPORTS:

Board members welcomed newly appointed COG Board member Tony Boch, and congratulated former Chairman Gomez for his leadership over the past year on COG and on the Hollister City Council, as well as Chairman De La Cruz and Vice-chairman Emerson on their appointments.

Director Emerson commented that perhaps, staff should include Steven Rosati and/or Gordon Machado in discussions with Caltrans regarding the Resolution for the Highway 25 Bypass project.

Chair De La Cruz directed staff to include Steven Rosati and/or Gordon Machado in discussions with Caltrans regarding the Highway 25 Bypass project.

CLOSED SESSION:

1. Public Employee Performance Evaluation

Title: COG Executive Director

Director Botelho recommended moving the Closed Session item to the end of the COG meetings for the benefit of the public.

Chair De La Cruz continued the Closed Session Item to the end of the meetings.

CONSENT AGENDA:

- 2. APPROVE** Council of Governments Draft Meeting Minutes Dated December 16, 2010 – Gomez
- 3. APPROVE** Council of Governments Transaction Report (Financial Claims) Dated December 2010 – Postigo
- 4. RECEIVE** Construction Projects Report – Caltrans District 5
- 5. Federal Transit Administration Section 5311 Program – Lezama**
 - a) **ADOPT** Resolution 11-01 Authorizing the Executive Director to Apply for and Accept Federal Transit Act Section 5311 Funds for Federal Fiscal Year 2011.
 - b) **ADOPT** Resolution 11-02 Approving Program of Projects for Federal Fiscal Year 2011 for Operating Assistance Under Federal Transit Administration Section 5311.
- 6. Travel and Economic Development Survey – Gilbert**
 - a) **APPROVE** Application for Funding from the Community Foundation of San Benito County,
 - b) **RATIFY** Victor Gomez, Outgoing Chair's Signature on Application, and
 - c) **AUTHORIZE** the Executive Director to Enter Into Grant Agreement and Sign All Necessary Documents For and On Behalf of the Council of San Benito County Governments if Funds are Awarded

Director Botelho requested that Item 4 be pulled from the Consent Agenda for discussion.

Upon a motion duly made by Director Gomez, and seconded by Director Emerson, the Director's unanimously approved Items 1-3 and 5, 6 from the Consent agenda.

With regard to Item 4, Director Botelho stated that he would like to have an update from Caltrans on the light at Buena Vista.

Ms. Rheinheimer stated that she has contacted Caltrans and is waiting to hear back from them. She will report back to the Board as soon as she receives an update from Caltrans.

Upon a motion duly made by Director Gomez, and seconded by Director Emerson, the Director's unanimously approved Item 4 from the Consent agenda

REGULAR AGENDA

TRANSPORTATION ITEMS:

- 7. APPROVE** Memorandum of Understanding between the Council of San Benito County Governments, the Transportation Agency for Monterey County, San Luis Obispo Council of Governments, the Santa Barbara Association of Governments, and the Association of Monterey Bay Area Governments to Form a Partnership to Ensure the Vitality of the U.S. 101 Corridor Along the Central Coast – Gilbert

Ms. Gilbert reported that COG staff has met with staff from Caltrans and other agencies in Caltrans District 5, which is headquartered in San Luis Obispo and represents Monterey, San Benito, San Luis Obispo, Santa Barbara, and Santa Cruz counties. The group has proposed the adoption of a Memorandum of Understanding (MOU) between the counties that have portions of U.S. 101 located in them, to provide

a foundation for closer coordination to seek funding for the improvement of the U.S. 101 corridor in the Central Coast. The Association of Monterey Bay Area Governments (AMBAG) is the federally designated Metropolitan Planning Organization for Monterey, San Benito, and Santa Cruz Counties, and is a party to the MOU as well. The Metropolitan Planning Organization is responsible for coordinating transportation planning activities that are regionally significant and/or federally funded.

Director Boch inquired if the MOU would include the Overpass Project at the Red Barn.

Ms. Gilbert stated that the Overpass Project at the Red Barn is a Monterey County Project and it is a high priority project for them.

Upon a motion duly made by Director Botelho, and seconded by Director Emerson, the Director's unanimously approved Item 7.

8. Monterey Bay Area Blueprint – Gilbert

Chair De La Cruz noted that because of the way this item was worded on the Agenda it will be a discussion and direction to staff item and it will be placed on the February COG Agenda for approval.

Ms. Gilbert stated that The Association of Monterey Bay Area Governments (AMBAG) has recently completed *Envisioning the Monterey Bay Area*, a Draft Blueprint Plan for the region. Blueprint Planning efforts were initiated in 2007, and Council of Governments staff has worked closely with the Association of Monterey Bay Area Governments throughout the development. The Council of Governments Board of Directors received a presentation on the Draft Plan at its December meeting and directed staff to prepare a comment letter for consideration in January.

Ms. Gilbert stated that the Council of Governments' Technical Advisory Committee and staff have reviewed the Draft. Overall, the Committee and staff commend the Association of Monterey Bay Area Governments on their efforts and believe the Blueprint reflects the needs of San Benito County and the region.

Ms. Gilbert noted that the Association of Monterey Bay Area Governments will approve a final draft of the Blueprint in February and will then focus on development of a *Sustainable Communities Strategy* as required by Senate Bill 375, which was approved in 2008. The Sustainable Communities Strategy will focus on the areas for development that are identified in the Blueprint plan, and will provide a foundation for development of the Council of Governments' next Regional Transportation Plan update.

PUBLIC COMMENT

Marvin Jones Hollister, CA

Mr. Jones stated that he was pleased with AMBAG for getting a very minor reduction in the amount of carbon dioxide that small cars and trucks will be putting out between now and 2035.

Mr. Jones commented on the amount of carbon dioxide put out by the San Benito County Transit, and how almost 6 1/2 pounds of carbon dioxide are not accounted for.

Mr. Jones noted that the Blueprint concepts were similar to those in the United Nations Agenda 21.

Allen Barker Hollister, CA

Mr. Barker inquired if the public is able to view the staff reports that COG staff puts together for the Board.

Ms. Rheinheimer responded by directing Mr. Barker to the Council of Governments website www.sanbenitocog.org . Ms. Rheinheimer explained that the public is able to click on the agenda and the individual items to view the reports and attachments.

Mr. Barker asked why we have to “rubber stamp” everything that comes our way from the State level. Mr. Barker encouraged the Board to look at what is being proposed and see how it fits San Benito County’s land use and ensure that it is not contradicting local authority. He stated that if the programs don’t fit, it is reasonable to oppose them.

Chair De La Cruz closed Public Comment.

Director Botelho stated that he didn’t disagree with the public’s comments however; it is the Board’s job to do their best in administering State Law. Director Botelho stated that the only way to change these laws is by speaking to our legislative leaders.

Chair De La Cruz directed staff to bring this item back to the Board at its February meeting.

9. COMMENT on the 2011 Unmet Transit Needs “Reasonable to Meet” Criteria – Lezama

Ms. Gilbert reported on behalf of Ms. Lezama.

Ms. Gilbert stated that each year, the Council of Governments is responsible for conducting Unmet Transit Needs Hearings to provide a forum for residents, transit users, and community members to express concerns with the local bus service, County Express and Jovenes de Antaño. As part of the process the Council of Governments is also responsible for updating the “Reasonable to Meet” Criteria.

At the last meeting, the Board scheduled three Unmet Transit Needs Hearings, however staff is asking that the Board reschedule for the following dates and times:

March 3, 2011	March 17, 2011
1:00 p.m.	2:00 p.m.
Senior Center	Board of Supervisor Chambers
300 West Street	481 4 th Street
Hollister, CA	Hollister, CA

Ms. Gilbert stated that the Council of San Benito County Governments is also required to make a determination whether there are unmet transit needs that are “reasonable to meet.” In making a reasonableness determination, the Board provides input on the “Reasonable to Meet” Criteria. The final “Reasonable to Meet” Criteria will be presented to the Council of Governments for adoption at the February 17, 2011 meeting.

Ms. Gilbert stated that the next steps include: The Social Services Transportation Advisory Council will receive the draft Criteria for input at the January 28, 2011 meeting. Once the hearings are conducted, the Social Services Transportation Advisory Council considers the transit needs. The Advisory Council makes recommendations on the findings to the Council of Governments at a future meeting. The Council of Governments will either concur with the Advisory Council’s recommendation or makes its own findings.

PUBLIC COMMENT:

Catherine Farnham
Public Health Nurse

Ms. Farnham inquired if there will be an evening public hearing meeting.

Ms. Rheinheimer stated that staff is proposing no evening public hearing as there have been no members of the public present over the last several years.

Chair De La Cruz informed Ms. Farnham that the public may provide their comments to staff by mail, email, or in person.

Ms. Farnham inquired about the process on the opportunity to comment on the “criteria of the unreasonable unmet transit needs” as well as the “criteria of reasonable to meet”.

Ms. Rheinheimer stated that staff looks at all of the testimony and evaluates it towards the criteria and determines whether it is an unmet need that’s reasonable to meet or an unmet need that is not reasonable to meet.

Ms. Gilbert stated that the Board is responsible for establishing the reasonable to meet criteria. In terms of an unmet need, you do make that determination first. For example, we can receive a request to have a new bus stop sign replacing a current bus stop sign. This does not fall under the definition of an unmet transit need because it’s an operational type of request.

Ms. Gilbert stated that the test of what an unmet need is is set forth in the Transportation Development Guidelines, and staff will provide this information at the Unmet Needs hearings.

Director De La Cruz inquired if the COG Board has the ability to tailor the “reasonable to meet criteria” for our community.

Ms. Gilbert stated that the Board does have the ability to tailor the “criteria” for the community.

Director De La Cruz closed Public Comment.

Director Botelho stated that a lot of the criteria hinges on what the COG Budget is.

Director Gomez inquired when the “reasonable to meet criteria” was adopted and if there have been any revisions.

Ms. Gilbert stated that the criteria were adopted in May of 1992 and there have not been any revisions since then.

Director Gomez commented that it is unreasonable to fund an unmet need that can’t be funded and this should be mentioned in the criteria.

Ms. Rheinheimer noted that under the Reasonable to Meet Criteria, Item 4 under Cost Effectiveness states: Would have available funding on a long-term basis to maintain the service.

Director Emerson commented that it has been his understanding that the “unmet need” has to meet all of the criteria, not just one criterion.

Ms. Rheinheimer concurred with Director Emerson’s comment.

Chair De La Cruz stated that the Board accepted the testimony received.

10. RECEIVE Update on Truck Route Planning in San Benito County – Rheinheimer

Ms. Rheinheimer reported that the Council of Governments, City of Hollister, and San Benito County staffs have been coordinating truck route planning since early 2010. The goal of this effort is to identify appropriate truck routes in the San Benito County region to support the agricultural industry and protect public safety.

A draft proposed truck route map was prepared during discussions between the Council of Governments and the Public Works Departments. These routes are subject to change depending on feedback from the agricultural and trucking industries as well as the community at large.

Ms. Rheinheimer stated that since the October Council of Governments meeting, staff has met with Caltrans and the California Highway Patrol (CHP) to further discuss the implications of and proposed routes for the truck route designation. The meeting was productive. The participants agreed to reach out to the agricultural and trucking industries to help inform these planning efforts. Council of Governments staff will coordinate a meeting of the Public Works Departments, Caltrans, the California Highway Patrol and the agricultural and trucking industries.

Ms. Rheinheimer asked the Board to help find the appropriate people to invite to be part of the forum.

Ms. Rheinheimer stated that once the meeting occurs, staff will report to the Board and move forward from there.

Chair De La Cruz directed staff to invite Richard Betancourt to the forum.

Director Botelho stated that he believes this is a fairly simple project and would like for it to continue to move forward. In addition, he would like to develop a timeline of when it will be completed.

Ms. Rheinheimer stated that she was aware of Director Botelho's concerns however, it is not a simple project as there are public safety issues involved which do not allow for us to simply put up signs that state this is a truck route.

Director Botelho stated that the solution may not be so simple however; businesses are being affected because trucks are using these routes and they are getting tickets from the CHP.

Chair De La Cruz continued the Closed Session Item to the end of the meetings.

Upon a motion duly made by Director Emerson, and seconded by Director Gomez, the Director's continued the Closed session Item.

The Board continued to the LTA Agenda.

The COG meeting reconvened and went into Closed Session at 3:30 p.m.

CLOSED SESSION:

1. Public Employee Performance Evaluation

Title: COG Executive Director

Deputy County Counsel, Shirley Murphy stated that there was no reportable action taken under Item 1 Public Employee Performance Evaluation, Title COG Executive Director.

Upon a motion made by Director Gomez, and seconded by Director Emerson,, the Director's voted to adjourn the COG meeting.

ADJOURN TO COG MEETING FEBRUARY 17, 2011.